

# Philippines

## Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of the Philippines became a member of ILO-IPEC in 1994. The government, however, first began an anti-child labor program in 1988 in order to coordinate the activities of government agencies. In 1992, the government established the National Child Labor Program Committee, composed of governmental, nongovernmental, employer, and worker representatives, to provide policy and technical assistance on child labor.<sup>2888</sup> The government has created strategic action plans on trafficking,<sup>2889</sup> child labor,<sup>2890</sup> children's issues (including efforts to protect children with special needs such as working children),<sup>2891</sup> and for children engaged in armed conflict.<sup>2892</sup> President Arroyo established a Department of Labor and Employment (DOLE)-led Poverty-Free Zone Program in September 2001 that includes anti-child labor activities.<sup>2893</sup>

In cooperation with ILO-IPEC, community and direct action initiatives are being implemented in the Philippines to target specific occupations utilizing the worst forms of child labor.<sup>2894</sup> In June 2002, USDOL, the Philippine DOLE, and the Philippine Department of Education (DEPED) signed a letter of intent committing all three agencies to collaborate on Time-Bound initiatives aimed at reducing the number of children participating in the worst forms of child labor, and strengthening

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<sup>2888</sup> ILO-IPEC, *Program to Combat Child Labor in the Fishing Sector in Indonesia and the Philippines*, technical progress report, RAS/99/05P/050, August 30, 2002, 3.

<sup>2889</sup> U.S. Department of State, *Trafficking in Persons Report- 2002: Philippines*, Washington, D.C., June 5, 2002, 82 [cited August 2, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10680.htm>.

<sup>2890</sup> With support from ILO-IPEC, the National Program Against Child Labor (2001-2004) establishes a framework for the implementation of comprehensive action against child labor. ILO-IPEC, *Supporting the Time-Bound Program on the Elimination of the Worst Forms of Child Labor in the Republic of the Philippines*, project document, Geneva, September 25, 2002, iii.

<sup>2891</sup> The plan was adopted by order of former President Estrada through Executive Order No. 310, 3 November 2000. The Framework is also referred to as "Child 21." Council for the Welfare of Children, *Philippine National Strategic Framework for Plan Development for Children, 2000-2005*, Makati City, Philippines, 2000, vii-viii, 37.

<sup>2892</sup> U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Philippines*, Washington, D.C., March 4, 2002, 1144-48, Section 5 [cited December 31, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eap/8371.htm>.

<sup>2893</sup> U.S. Embassy- Manila, *unclassified telegram no. 5729*, October 18, 2002.

<sup>2894</sup> The Philippine-ILO Indicative Framework of 1994 established the priority target groups for anti-child labor activity. Through 2001, IPEC had implemented more than 60 anti-child labor programs totaling about USD 3 million, and has built partner capacity to combat child labor. ILO-IPEC, *Supporting the Time-Bound Program*, project document, 15-16. USDOL funded two ILO-IPEC initiatives in 1999, focusing on children engaged in deep-sea fishing, and in the informal footwear sector in Laguna: ILO-IPEC, *Programme to Combat Child Labour in the Fishing Sector in Indonesia and the Philippines*, project document, Geneva, September 1999. See also ILO-IPEC, *Programme to Combat Child Labour in the Footwear Sector in Southeast Asia: Indonesia, the Philippines, and Thailand*, project document, Geneva, September 1999.

the Philippines' educational systems.<sup>2895</sup> The USDOL-funded ILO-IPEC Time-Bound Program was launched in 2002 with the long-term objective of eliminating specified worst forms of child labor. Under this USD 5.2 million program, sectors to be targeted include commercial sexual exploitation, mining and quarrying, pyrotechnics, deep-sea fishing, domestic service, and work on commercial sugar cane farms.<sup>2896</sup> With funding from USDOL and technical assistance from ILO-IPEC, the Philippine National Statistics Office (NSO) conducted the second round of a national child labor survey in 2001 to identify the extent and nature of child labor in the Philippines.<sup>2897</sup>

Since 1994, DOLE has implemented the "Sagip Batang Manggagawa" (SBM-"Rescue the Child Workers") Program to monitor suspected cases of child labor and intervene on behalf of children in affirmed cases.<sup>2898</sup> In addition, DOLE has a number of social welfare programs targeting working children, including the Working Youth Center and the Bureau of Women and Young Workers' (BWYW) Family Welfare Program.<sup>2899</sup> The Department of Social Welfare and Development provides social welfare support for victims of prostitution and trafficking.<sup>2900</sup> The government cooperates with the U.N. Center for International Crime Prevention in implementing a pilot project to improve law enforcement and interagency cooperation on anti-trafficking initiatives, as well as victim assistance, and the Department of Foreign Affairs operates a task force on trafficking in persons.<sup>2901</sup> Both independently and with UNICEF assistance, the government launched national information and awareness-raising campaigns against child labor.<sup>2902</sup>

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<sup>2895</sup> Letter of Intent between the U.S. Department of Labor, the Department of Labor and Employment of the Republic of the Philippines, and the Department of Education of the Republic of the Philippines, June 28, 2002, paragraphs 1 and 3.

<sup>2896</sup> The Time-Bound Program implementation has been integrated into the National Programme Against Child Labour for 2001-2004. USDOL funded the ILO-IPEC Time-Bound Program in September 2002. ILO-IPEC, *Supporting the Time-Bound Program, project document*, ii-iii, 4-5. In a May 2001 speech, President Arroyo committed the government to "undertake effective and time-bound measures to eliminate the worst forms of child labor in our midst and prevent future generations from engaging in the same." See 21st National Convention of the Federation of Free Workers, Statement read by Department of Labor and Employment Secretary Patricia Aragon Santo Tomas, May 25, 2001. See also ILO Special High-Level Session, Statement by Department of Labor and Employment Secretary Patricia Aragon Santo Tomas, June 12, 2001.

<sup>2897</sup> ILO-IPEC, *Reporting on the State of the Nation's Working Children: A Statistical Program for Advocacy on the Elimination of Child Labor and the Protection of Working Children in the Philippines*, project document, 2001. The Philippine National Statistics Office conducted the first round in 1995, with technical assistance from ILO-IPEC's SIMPOC and funding from USDOL. See ILO-IPEC, *Reporting on the State of the Nation's Working Children: A Statistical Program for Advocacy on the Elimination of Child Labor and the Protection of Working Children in the Philippines*, project document, 1995.

<sup>2898</sup> U.S. Embassy- Manila, *unclassified telegram no. 4103*, June 23, 2000. From 2000 to the second quarter of 2001, the interagency program conducted 107 rescue operations involving 346 minors. See U.S. Embassy- Manila, *unclassified telegram no. 5729*.

<sup>2899</sup> The BWYW has conducted training for government officials who enforce child labor laws as well as for companies nationwide. U.S. Embassy- Manila, *unclassified telegram no. 5990*, October 10, 2001.

<sup>2900</sup> U.S. Department of State, *Country Reports- 2001: Philippines*, 1148-53, Section 6f.

<sup>2901</sup> *Ibid.*

<sup>2902</sup> The Philippine Information Service (PIA) campaign includes posters, comic page inserts, and radio and television announcements that are aimed at children, parents and employers. PIA also holds workshops with the assistance of UNICEF, and it works locally to collect baseline data on people's attitudes and perceptions on child labor. U.S. Embassy- Manila, *unclassified telegram no. 4103*.

The Medium-Term Philippine Development Plan for 2001-2004 includes promotion of universal primary education.<sup>2903</sup> DEPED is implementing functional education and literacy programs that provide working children with basic education and skills training. In addition, the government is working in consultation with community groups to implement the National Project on Street Children that provides street children with the financial support to continue their education.<sup>2904</sup> DEPED's Bureau of Non-formal Education collaborates with donors and local government bodies to provide non-formal education (NFE) under the NFE Accreditation and Equivalency System.<sup>2905</sup> DEPED began to extend the system to out-of-school children ages 6 through 14 in 2002.<sup>2906</sup>

The Asian Development Bank (ADB) and the government signed an agreement to work in partnership to fight poverty, including improving the quality of basic education.<sup>2907</sup> The ADB is currently funding three projects through DEPED,<sup>2908</sup> the Technical Education and Skills Development Authority (TESDA),<sup>2909</sup> and the Development Bank of the Philippines to improve secondary and vocational education.<sup>2910</sup> The Australian Agency for International Development (AusAID) is also assisting the delivery of quality technical education services through TESDA,<sup>2911</sup> as well as improving basic education in Mindanao.<sup>2912</sup> UNICEF works actively with the government to promote children's rights, assist children in need of special protection, including working children, and support educational improvements.<sup>2913</sup>

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<sup>2903</sup> ILO-IPEC, *Supporting the Time-Bound Program*, project document, 13-14.

<sup>2904</sup> Ibid.

<sup>2905</sup> Department of Education: Bureau of Nonformal Education, *Innovations in Nonformal Education: The Challenge for Teacher Training Institutions*, Pasig City, 2001, 4-8.

<sup>2906</sup> Dr. Rosario de Guzman, electronic communication to USDOL official, June 19, 2002.

<sup>2907</sup> *Republic of the Philippines - Asian Development Bank Poverty Partnership Agreement*, signed in Manila, the Philippines, October 10, 2001 [cited September 2, 02]; available from [http://www.adb.org/Documents/Poverty/pa\\_phi.pdf](http://www.adb.org/Documents/Poverty/pa_phi.pdf).

<sup>2908</sup> Asian Development Bank, *Secondary Education Development and Improvement (LOAN: PHI 25182-01)*, [cited September 6, 2002]; available from <http://www.adb.org/Documents/Profiles/LOAN/25182013.ASP>.

<sup>2909</sup> Asian Development Bank, *Technical Education and Skills Development (LOAN: PHI 23229-01)*, [cited September 6, 2002]; available from <http://www.adb.org/Documents/Profiles/LOAN/23229013.ASP>.

<sup>2910</sup> The funds are available for private institutions providing technical education to borrow in order to improve services. Ibid. The ADB also has three projects in the pipeline to support government efforts under three projects to address basic education in Mindanao, conduct overall education sector reform, and improve teacher training and management. See Asian Development Bank, *Country Strategy and Program Update (2002-2004)*, [cited September 4, 2002], Appendix 6; available from <http://www.adb.org/Documents/CSPs/PHI/2001/default.asp>.

<sup>2911</sup> AusAID, *Boost for Philippines Technical and Vocational Education*, [press release] 2002 [cited September 5, 2002]; available from [http://www.ausaid.gov.au/media/release.cfm?BC=Media&Id=8445\\_5335\\_294\\_2481\\_916](http://www.ausaid.gov.au/media/release.cfm?BC=Media&Id=8445_5335_294_2481_916).

<sup>2912</sup> AusAID, *Country Brief- Philippines*, [cited September 5, 2002]; available from [http://www.ausaid.gov.au/country/cbrief.cfm?DCon=1148\\_8702\\_9418\\_7487\\_8517&CountryId=31](http://www.ausaid.gov.au/country/cbrief.cfm?DCon=1148_8702_9418_7487_8517&CountryId=31).

<sup>2913</sup> Government of the Philippines and UNICEF, *CPC V: Programme of Cooperation for Child Survival, Protection, Development and Participation in the Philippines: Master Plan of Operations between the Government of the Philippines and UNICEF, 1999-2000*, Manila, February 1999, 99-101, 25-28.

## Incidence and Nature of Child Labor

A national child labor survey conducted in 2001 by the Philippine National Statistics Office, in cooperation with ILO-IPEC, estimated that 16.2 percent (4 million) of children ages 5 to 17 years in the Philippines were working. The survey found that of the country's 24.9 million children ages 5 to 17 years, 2.4 million work under hazardous conditions. Almost half of working children, or 1.9 million, are ages 10 through 14.<sup>2914</sup> Child labor is more prevalent in rural areas.<sup>2915</sup> Almost half of all child workers are engaged in agricultural activities,<sup>2916</sup> while other children work in informal footwear production,<sup>2917</sup> drug trafficking,<sup>2918</sup> pyrotechnics production, deep-sea fishing, mining and quarrying,<sup>2919</sup> and pearl farming.<sup>2920</sup> Children living on the streets engage in informal labor activities such as scavenging or begging. Children are also engaged in domestic service and are involved in the commercial sex industry.<sup>2921</sup> Children are reportedly trafficked internally for purposes of commercial sexual exploitation and labor.<sup>2922</sup> There are no reports of child soldiers in the government armed forces, but children under the age of 18 are used as soldiers in paramilitary

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<sup>2914</sup> National Statistics Office, *Philippine Survey on Children 2001 (Preliminary Results)*, May 2002, [cited September 5, 2002]; available from <http://www.census.gov.ph/data/pressrelease/2002/ch01prtx.html>. In 2000, the ILO estimated that 5.4 percent of children ages 10 to 14 in the Philippines were working. See World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

<sup>2915</sup> Within the specified age group, 70 percent of working children worked in rural areas. National Statistics Office, *Philippine Survey on Children 2001*.

<sup>2916</sup> Ibid. See also Alejandro W. Apit, Kamalayan Development Foundation, interview with USDOL official, April 6, 2000.

<sup>2917</sup> Children manufacturing footwear from home are exposed to dangerous glue and kerosene fumes, and are at risk of hurting their fingers with the tools used. Department of Labor and Employment: Occupational Safety and Health Center, *Consolidated Report 1998/1999*, Manila, 19-21.

<sup>2918</sup> ILO-IPEC, *Assessing the Situation of Children in the Production, Sales and Trafficking of Drugs in Indonesia, the Philippines, and Thailand*, project document, Geneva, September 17, 2002, 6-8. See also Magdalena Lepiten, *Children's Involvement in the Production, Sale and Trafficking of Drugs in Cebu City: A Rapid Assessment*, no. 22, ILO-IPEC, Geneva, February 2002.

<sup>2919</sup> ILO-IPEC, *Supporting the Time-Bound Program*, project document, 4-5.

<sup>2920</sup> Alejandro W. Apit, *Child Recruitment and Some Most Hazardous Forms of Child Labor in the Philippines: A KDF's Experience*, Kamalayan Development Foundation, Inc., Manila, January 1998, 145-46.

<sup>2921</sup> The report alleges that some of these children are forced into bonded labor. U.S. Department of State, *Country Reports- 2001: Philippines*, 1148-53, Sections 6c and 6f. See also Department of Social Welfare and Development and UNICEF, *Commercial Sexual Exploitation of Children in the Philippines: A Situation Analysis (Executive Summary)*, 1999, 7-8. There are allegations of commercial sexual exploitation of girls on ships in Batangas Bay. See UN Commission on Human Rights, *Report of the Working Group on Contemporary Forms of Slavery on Its Twenty-Sixth Session*, E/CN.4/Sub.2/2001/30, United Nations, Geneva, July 16, 2001, paragraphs 51-52.

<sup>2922</sup> U.S. Department of State, *Trafficking in Persons Report- Philippines*. See also ILO, *The ILO-Japan Asian Meeting on the Trafficking of Children for Labour and Sexual Exploitation: Country Report- Philippines* [CD-ROM], Manila, 2001.

and armed opposition groups such as the Moro Islamic Liberation Front, the Abu Sayyaf Group and the New People's Army.<sup>2923</sup>

The Philippine Constitution mandates six years of compulsory primary education for children.<sup>2924</sup> The Governance of Basic Education Act (Republic Act No. 9155) of 2001 formalized the structure of the Department of Education and outlined the roles and responsibilities of the national, regional and local levels of the administration. The Act also aims to improve the local relevance of education by expanding input into the system.<sup>2925</sup> Primary and secondary schools do not charge tuition, although families must cover related costs such as transportation and supplies.<sup>2926</sup> In 1998, the gross primary enrollment rate was 118.8 percent. The 1998 net primary enrollment rate was 95.7 percent, with 92.9 percent of girls enrolled versus 98.4 percent for boys.<sup>2927</sup> The primary attendance rate in 1999 was approximately 86 percent.<sup>2928</sup>

## Child Labor Laws and Enforcement

Republic Act No. 7658 of 1993 and the Labor Code of 1993 prohibit the employment of children under the age of 15, except when working directly with a parent and when the work does not interfere with schooling.<sup>2929</sup> Additionally, it is permissible for a child to work as an apprentice at age 14.<sup>2930</sup> The Labor Code gives the Secretary of Labor and Employment the authority to limit working hours for children between 15 and 18 years, and prohibits hazardous work for children less

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<sup>2923</sup> Coalition to Stop the Use of Child Soldiers, "Philippines," in *Global Report 2001*, 2001, [cited August 2, 2002]; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/3f922f75125fc21980256b20003951fc/05eb2e51d3646e2480256b1e0056b53c?OpenDocument>. See also U.S. Department of State, *Country Reports- 2001: Philippines*, 1144-48, Section 5. See also Rufa Cagoco-Guiam, *Child Soldiers in Central and Western Mindanao: A Rapid Assessment*, no. 21, ILO-IPEC, Geneva, February 2002.

<sup>2924</sup> The Philippine Constitution, Article XIV (1, 2), 1987, as cited in Feny de los Angeles-Bautista and Joanna C. Arriola, *To Learn and To Earn: Education and Child Labor in the Philippines*, *Working Paper Series on Child Labor* (Manila: ILO-IPEC, 1995), 2.

<sup>2925</sup> Government of the Philippines, *Governance of Basic Education Act (Republic Act No. 9155)*, (2001)..

<sup>2926</sup> In 2001, the government eliminated the practice of schools requesting a "voluntary contribution" during registration periods. U.S. Department of State, *Country Reports- 2001: Philippines*, 1144-48, Section 5. Republic Act No 6655 provides for a free secondary education. See "Republic Act No. 6655," in *Laws and Issuances on Children* Council for Welfare of Children and UNICEF, 2001, 14-16.

<sup>2927</sup> UNESCO, *Education for All: Year 2000 Assessment* [CD-ROM], Paris, 2000.

<sup>2928</sup> Government of the Philippines, *Preliminary Report of the Multiple Indicator Cluster Survey (MICS) for the Philippines, 1999*, UNICEF, [cited November 12, 2002]; available from <http://www.childinfo.org/MICS2/newreports/philippines/philippines.htm>.

<sup>2929</sup> *Philippines Labour Code*, [cited September 4, 2002]; available from <http://natlex.ilo.org/txt/E98PHL01.htm>. See also "Republic Act No. 7658 of 1993," in *Laws and Issuances on Children* Council for Welfare of Children and UNICEF, 2001, 59-60.

<sup>2930</sup> *Philippines Labour Code*, Article 59.

than 18 years of age.<sup>2931</sup> Policy Instruction No. 23 of 1977 prohibits night work for children under the age of 16 years from 6 p.m. to 6 a.m. and forbids children ages 16 to 18 years from working after 10 p.m.<sup>2932</sup> Slavery and forced labor are prohibited under Articles 272 and 274 of the Revised Penal Code,<sup>2933</sup> and the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act protects children from all forms of abuse, cruelty and exploitation and prohibits child prostitution and child trafficking.<sup>2934</sup> The Revised Penal code also prohibits engaging in, profiting from or soliciting prostitution.<sup>2935</sup>

The DOLE is responsible for enforcing child labor laws through the labor standards enforcement offices.<sup>2936</sup> However, child labor enforcement is weak due to a lack of resources, inadequate judicial infrastructure, low rates of convictions, and legislative shortcomings such as absence of coverage in the informal sector.<sup>2937</sup>

The Government of the Philippines ratified ILO Convention 138 on June 4, 1998, and ILO Convention 182 on November 28, 2000.<sup>2938</sup>

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<sup>2931</sup> Ibid., Article 139. The Department of Labor and Employment's Order No. 4 of 1999 includes in the definition of "hazardous work" the handling of dangerous substances (e.g., adhesives used in footwear manufacture); work hazardous to morals (e.g., employment in dance halls); work that entails exposure to extreme elements of cold, heat, noise, or pressure (e.g., deep-sea diving and underground work); and work that is hazardous by its nature (e.g., mining, logging, and pyrotechnics production). See Government of the Philippines: Department of Labor and Employment, *Hazardous Work and Activities to Persons Below 18 Years of Age*, Department Order No. 04, 1999.

<sup>2932</sup> *Opening Doors: A Presentation of Laws Protecting Filipino Child Workers*, rev. ed. (Makati City: Ateneo Human Rights Center and ILO, 1997), 71-72.

<sup>2933</sup> Government of the Philippines, *Revised Penal Code*, Act No. 3815, as amended, Articles 272, 74 [cited August 8, 2002]; available from <http://www.protectionproject.org>.

<sup>2934</sup> Government of the Philippines, *Special Protection of Children against Child Abuse, Exploitation and Discrimination Act*, (Republic Act No. 7610 of 1992), Sections 2, 5, 7, [cited September 4, 2002]; available from <http://natlex.ilo.org/txt/E92PHL01.htm>.

<sup>2935</sup> *Revised Penal Code*, Articles 202, 341.

<sup>2936</sup> DOLE maintains inspection statistics that reflect a steady decline in violations of child labor laws from 1997 – 2001. U.S. Embassy- Manila, *unclassified telegram no. 5729*.

<sup>2937</sup> U.S. Embassy- Manila, *unclassified telegram no. 5853*, September 11, 2000. Trafficking convictions are not common due to the judicial system's ineffectiveness. U.S. Department of State, *Trafficking in Persons Report- Philippines*. BWYW reported only 4 convictions on child labor violations since 1993. U.S. Embassy- Manila, *unclassified telegram no. 5729*. See also Joshua Dancel, "Stopping Child Labor Easier Said than Done," *The Manila Times* (Manila), September 6, 2002.

<sup>2938</sup> ILO, *Ratifications by Country*, in ILOLEX, [database online]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.